IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 362 OF 2007

Jaikrishna Chandrikaprasad Kadiyal ....Applicant.

V/s

State of Maharashtra
(At the instance of Tardev Police
Station in its Cr.No.37 of 2005) ..... Respondent.
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None for the applicant.

Mr. Y.S. Shinde, APP for the State.
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CORAM: V.M. KANADE, J.
DATE : 24th October, 2007

P.C.:

1. Heard the learned APP appearing on behalf of the State. None appears on behalf of the applicant.

2. This is a third application filed by the applicant. Initially, alongwith the appeal, he had filed an application for bail. This application was rejected by this Court. However, liberty was granted to move a fresh application if the appeal is not heard within a period of one year. Since the appeal was not heard, he preferred another application vide Criminal Application No.122 of 2006. This application was also rejected (Coram: R.S. Mohite, J.). However, liberty was granted to the applicant to apply for bail if the appeal is

not heard within one year. Even after the said order was passed, the appeal is still pending and is not finally heard. Applicant has already undergone more than 50% of the sentence. Applicant is sentenced to undergo rigorous imprisonment for five years by the Trial Court. Applicant is in jail since 03/03/2005. Two and half years have passed and he has under gone 50% of the sentence awarded by the Trial Court. Appeal is not likely to come up for hearing immediately. Hence, in my view, this is a fit case for grant of bail.

3. Applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount.

4. This order be communicated to the Arthur Road Jail. Upon the said order being served, the applicant be informed about the said order so that he can take appropriate steps for arranging surety.

5. Application is accordingly disposed of.

(V.M. KANADE, J.)